



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
--------------------	-------------	-----------------------	---------------------

04/981,842 03/10/98 ALCOBEN

WM12/0910

CLAUDE A. S. HARRICK
UPPENHEIMER WULFF & DONNELLY LLP
101 PARK CENTER PLAZA, SUITE 400
SAN JOSE CA 95113

EXAMINER

ART UNIT NO. PAPER NUMBER

DATE MAILED: 07/12

9

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

09/16/99

OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on filing
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 36-39, 59-62, 63-77 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 63-77 is/are allowed.
- ☒ Claim(s) 36-39, 59-62 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☒ The oath or declaration is objected to by the Examiner. priority issue

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

MICHAEL O'NEILL
PRIMARY EXAMINER

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

The claim for priority needs to be corrected.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action :

A person shall be entitled to a patent unless

5

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 36-39 and 59-62 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Dolan et al. See figure 2 and col. 2:53 through col. 6:56.

15

Claims 36-39 and 59-62 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Moore. See the whole document.

Claims 63-77 are allowable over the prior art of record.

20

Any inquiry concerning the specifics of this communication should be directed to **Examiner Michael O'Neill**, who can be reached Monday through Thursday. Inquiries of a general nature should be directed to the Technology Center 3700 receptionist. Official responses can be filed 24 hours a day to the Official fax number listed below, subject to the provisions of 37 C.F.R. 1.6(d). Unofficial faxes which are intended to be seen by the Examiner should be sent to the Unofficial Fax number below; it is strongly suggested that the Examiner be

25

Contact numbers:

30

Exr.	703-308-2656
TC 3700 Receptionist	703-308-1148
TC 3700 Official Fax	703-305-3579
Unit 3713 Unofficial Fax	703-308-7768



MICHAEL O'NEILL
PRIMARY EXAMINER